

REMARKS

Claims 35-37, 44-46, 50-63, 65-68, 75-79, 82-93 and 95 were previously pending, with claims 57-63 and 65 being withdrawn from consideration and claims 35 and 66 being independent claims. By this response, claims 35, 50, 55, 63, 77, 82, 86 and 93 are amended and claims 51-52 are cancelled. As a result, claims 35-37, 44-46, 50, 53-63, 65-68, 75-79, 82-93 and 95 are pending for examination with claims 57-63 and 65 being withdrawn and claims 35 and 66 being independent claims. No new matter is added.

I. **Interview**

Initially, Applicant would like to thank Examiner Dawson for his courtesy in conducting a brief telephone interview with Applicant's representative, Walt Norfleet, on November 15, 2005. During the interview, an agreement was reached regarding amendments to independent claim 35 that would overcome the 35 U.S.C. §102 rejection of independent claim 35 over U.S. Patent No. 5,346,498 (Greelis). Specifically, it was agreed that claim 35 would be allowable if amended to positively recite a flexible elongated element and a compartment to store a length of flexible elongated element in a coil in the surgical device. These amendments are hereby incorporated into claim 35, which is now believed to be in condition for allowance. The substance of remarks made during the interview are incorporated in the remarks herein.

II. **Allowable Subject Matter**

Applicant acknowledges the Examiner's finding in the Office Action that claims 66-68, 75-79, 82-93, and 95 are allowed and that claims 53 and 54 would be allowed if rewritten in independent form including all the limitations of their base claims and any intervening claims. Applicant has amended independent claim 35 to be allowable as discussed during the interview rather than incorporating the features of claims 53 or 54.

III. **Withdrawn Claims**

Applicant acknowledges that claims 57-63 and 65 were withdrawn from consideration as being directed to a non-elected species. Applicant expects that upon allowance of any generic

claim, such as independent claim 35, that any of the withdrawn claims depending therefrom will be allowed.

IV. Claims 50, 55, 63, 77, 82, 86, and 93 Are Amended to Address Obvious Errors

Each of claims 50, 55, 63, 77, 82, 86, and 93 are amended to either address obvious typographical type errors or address 35 U.S.C. 112 issues (e.g., removing pronouns from the claims). These amendments do not change the scope of the claims.

V. Rejections under 35 U.S.C. §102 Are Overcome

Claims 35, 36, 37, 44-46, 50-52, 55, and 56 were rejected under 35 U.S.C. §102(b) as being anticipated by Greelis. Applicant amends claim 35 as discussed above to overcome this rejection.

Independent claim 35, as amended, is directed to a surgical device for passing a flexible elongated element through tissue of a subject. The device comprises, among other features, a flexible elongated element and a compartment to store a length of flexible elongated element in a coil in the surgical device. As agreed during the interview, in no way does Greelis teach or disclose a flexible elongated element and a compartment to store a length of flexible elongated element in a coil in the surgical device. Accordingly, withdrawal of this rejection is respectfully requested. Independent claim 35 and claims 36-37, 44-46, 50-63 and 65 are believed to be in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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